



Sean Rogan
Executive Director

COMMUNITY DEVELOPMENT COMMISSION
of the County of Los Angeles

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Gloria Molina
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Commissioners

ADOPTED

Community Development Commission

April 20, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

2-D

APRIL 20, 2010

SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**RESOLUTION TO AUTHORIZE THE USE OF THE POLANCO REDEVELOPMENT ACT IN THE
UNINCORPORATED COUNTY'S REDEVELOPMENT PROJECT AREAS
(ALL DISTRICTS) (3 VOTES)**

SUBJECT

This letter recommends adoption of a resolution to authorize the use of the Polanco Redevelopment Act in the unincorporated County's Redevelopment Project Areas to aid in the reuse and redevelopment of environmentally contaminated properties.

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE
COMMUNITY DEVELOPMENT COMMISSION**

1. Adopt a resolution authorizing the Executive Director to take actions as specified and authorized under the Polanco Redevelopment Act (Polanco Act), and execute any necessary documents related to the implementation of the Polanco Act, to assist in the cleanup, reuse and redevelopment of contaminated properties in the Whiteside Redevelopment Project Area, the East Rancho Dominguez Redevelopment Project Area, the Willowbrook Community Redevelopment Project Area, the Maravilla Community Redevelopment Project Area, the West Altadena Community Redevelopment Project Area, and any future Redevelopment Project Areas designated by the Board (collectively "Project Areas"), located in unincorporated Los Angeles County.
2. Find that adoption of the resolution is not subject to the provisions of the California Environmental Quality Act (CEQA) because the action will not have the potential for causing a significant effect on the environment.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Upon adoption, the attached resolution will authorize the Community Development Commission to implement the provisions of the Polanco Act, which is set forth in California Health & Safety Code section 33459 et seq. The Polanco Act will be used to aid in the return of contaminated sites to productive use.

FISCAL IMPACT/FINANCING

There is no impact on the County general fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Polanco Act, set forth in the California Health and Safety Code, provides a statutory mechanism for the Commission to work with responsible parties, developers and others to encourage and promote the cleanup of properties in redevelopment project areas that are environmentally contaminated, or suspected of being contaminated. The Polanco Act authorizes the Commission to obtain environmental data, to compel responsible parties to clean up a property, or for the Commission to step in and clean up the property in a timely manner if the responsible party fails to do so. The Commission may then recover the costs of a cleanup when public funds are used. It also provides immunities to the Commission, the redeveloper and the redeveloper's lenders. In short, the Polanco Act helps break the chain of liability from State environmental actions, helps to eliminate the negative stigma that contaminated properties carry, and facilitates redevelopment of these properties.

There are properties in the County's Project Areas that have had heavy industrial uses. Many of these otherwise desirable properties remain vacant or underutilized because of the presence or perceived presence of environmental contamination. Moreover, developers and lenders are frequently unwilling to acquire or finance contaminated properties and take on the risk of unknown cleanup costs.

The Polanco Act provides a statutory mechanism for the Commission to work with responsible parties, potential developers and buyers to clean up these properties and facilitate their reuse. The Polanco Act applies to all properties located in redevelopment project areas, regardless of whether the contaminated properties are owned by private parties or redevelopment agencies. The Polanco Act is one of the most comprehensive brownfields redevelopment tools available to redevelopment agencies.

Although the Polanco Act is already adopted into the Health and Safety Code, the Commission requires delegated authority to implement the law. Adoption of the attached resolution will authorize the Executive Director to implement the Polanco Act as the Commission endeavors to aid in the cleanup and redevelopment of sites that may otherwise remain underutilized. In some limited circumstances, use of the Polanco Act may involve litigation to compel cleanup or recover cleanup costs from responsible parties. The Commission will notify the Board and work with County Counsel and special legal counsel prior to initiating any injunctive action associated with implementation of the Polanco Act.

ENVIRONMENTAL DOCUMENTATION

This action is not subject to the provisions of CEQA pursuant to State CEQA Guidelines 15060(c)(3) and 15378 because it is not defined as a project under CEQA and does not have the potential for causing a significant effect on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Authorizing the Commission's use of the Polanco Act will aid in the redevelopment of environmentally contaminated properties in the unincorporated County's Redevelopment Project Areas.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sean Rogan", followed by a horizontal line.

SEAN ROGAN
Executive Director

SR:ml

Enclosures

RESOLUTION NO. ____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE COUNTY OF LOS ANGELES AUTHORIZING USE OF THE POLANCO REDEVELOPMENT ACT AND DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR TO USE THE POLANCO REDEVELOPMENT ACT IN THE WHITESIDE REDEVELOPMENT PROJECT AREA, THE EAST RANCHO DOMINGUEZ REDEVELOPMENT PROJECT AREA, THE WILLOWBROOK COMMUNITY REDEVELOPMENT PROJECT AREA, THE MARAVILLA COMMUNITY REDEVELOPMENT PROJECT AREA, AND THE WEST ALTADENA COMMUNITY REDEVELOPMENT PROJECT AREA IN THE COUNTY OF LOS ANGELES

WHEREAS, the Community Development Commission of the County of Los Angeles (“CDC”) serves as a redevelopment agency existing under the Community Redevelopment Law, California Health & Safety Code section 33000 et seq. (“CRL”); and

WHEREAS, under the CRL, the CDC is responsible for reuse and redevelopment of properties within the Whiteside Redevelopment Project Area, the East Rancho Dominguez Redevelopment Project Area, the Willowbrook Community Redevelopment Project Area, the Maravilla Community Redevelopment Project Area, and the West Altadena Community Redevelopment Project Area (collectively “Project Areas”);

WHEREAS, properties in the Project Areas may be contaminated with hazardous materials or petroleum which have or may have an impact on the redevelopment of these properties; and

WHEREAS, to facilitate the redevelopment of environmentally contaminated properties in the Project Areas, the CDC seeks to utilize the protective provisions, the cost recovery provisions, and the information gathering provisions of the Polanco Redevelopment Act, California Health & Safety Code section 33459 et seq.; and

WHEREAS, to facilitate the redevelopment of contaminated properties, the Polanco Redevelopment Act allows redevelopment agencies to:

- A. Request environmental information (Phase I and Phase II

environmental site assessments) from landowners and operators of properties in redevelopment project areas;

B. Request Cleanup Guidelines from the California Department of Toxic Substances Control or the Regional Water Quality Control Board;

C. Provide notice to responsible parties to prepare a removal or remedial action plan in conformance with the National Contingency Plan;

D. Review, comment on, approve or reject removal or remedial action plans prepared by responsible parties;

E. Enter into agreements with responsible parties or third parties to undertake the removal or remedial work;

F. Undertake the removal or remedial work or cause a third party to do the removal or remedial work if the removal or remedial action plan is not prepared by the responsible parties or is insufficient, if the responsible parties fail to agree to a schedule for implementing the removal or remedial action plan, or if the responsible parties fail to comply with the schedule for implementing the removal or remedial action plan;

G. Initiate litigation to compel cleanup in an injunctive action or to recover the costs of clean-up conducted by or on behalf of the CDC;

H. Petition the California Environmental Protection Agency when appropriate to designate an administering agency to oversee implementation of the removal or remedial actions on a property or properties in the Project Areas;

I. Enter into agreements with environmental regulatory agencies to provide oversight services;

J. Procure environmental consulting services in compliance with applicable procurement procedures; and

K. Conduct other activities as authorized under the Polanco Redevelopment Act to facilitate the reuse and redevelopment of contaminated properties.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Community Development Commission as follows:

Section 1.

The Executive Director, or his/her designee, is hereby authorized and directed to take the following actions pursuant to the Polanco Redevelopment Act to assist in

the cleanup, reuse and redevelopment of contaminated properties in the current Project Areas and any future Project Areas designated by the Board:

A. Require that owners and operators of contaminated properties provide the CDC with all existing environmental information or prepare such information, pursuant to California Health & Safety Code section 33459.1(e);

B. Issue a request to either the California Department of Toxic Substances Control, the California Regional Water Quality Control Board or an administering agency for clean-up guidelines pursuant to California Health & Safety Code section 33459.1(a)(1);

C. Issue notices to responsible parties to prepare and respond with a proposed removal or remedial action plan within sixty (60) days and to agree to a schedule to implement an acceptable removal or remedial action plan within an additional sixty (60) days pursuant to California Health & Safety Code section 33459.1(b)(2);

D. Review, comment on, approve or reject removal or remedial action plans submitted by responsible parties based on:

1. Whether the proposed plans are consistent with the CDC's redevelopment planning and schedule for redevelopment of the contaminated properties;

2. Whether the proposed plans are consistent to the maximum extent possible with the priorities, guidelines, criteria and regulations contained in the National Contingency Plan (42 USC section 9605) pursuant to California Health & Safety Code section 33459.1(b)(2); or

3. Whether the proposed removal or remedial action plans are technically and factually sufficient;

E. Enter into agreements with responsible parties or third parties to prepare and implement removal or remedial actions which are approved by environmental regulatory agencies pursuant to California Health & Safety Code section 33459.1(b)(3);

F. Undertake removal or remedial actions or cause a third party to undertake removal or remedial actions if, pursuant to California Health & Safety Code section 33459.1(a) and (b)(2) and (3):

1. The responsible parties fail to prepare or insufficiently prepare an appropriate removal or remedial action plan within the sixty (60) day period specified for preparation of the removal or remedial action plan; or

2. The responsible parties fail to perform their obligations under an approved removal or remedial action plan; or

3. The responsible parties fail to comply with the cleanup schedule;

G. Initiate litigation to compel cleanup in an injunctive action or initiate cost-recovery litigation to recover clean-up costs expended by or on behalf of the CDC pursuant to California Health & Safety Code section 33459.1(b) and (c) and 33459.4;

H. Petition the site designation committee of the California Environmental Protection Agency to designate an administering agency to oversee implementation of the removal or remedial action plan pursuant to California Health & Safety Code section 33459.1(d);

I. Procure environmental consulting services in accordance with applicable procurement procedures under California Health & Safety Code section 33459.4 (a);

J. Enter into agreements with environmental regulatory agencies to provide oversight services including review and approval of the removal or remedial action plan and the remediation, and issuing all letters required by the Polanco Redevelopment Act, under California Health and Safety Code section 33459.3(m); and

K. Conduct other activities as authorized under the Polanco Redevelopment Act, California Health & Safety Code section 33459 et seq. or under other state laws.

Section 2.

The Executive Director or his/her designee is hereby directed to notify this Commission prior to initiating any legal action to compel cleanup in an injunctive action or to recover costs for a removal or remedial action conducted by the CDC pursuant to the Polanco Redevelopment Act as authorized in Section 1, above.

Section 3.

The Executive Officer-Clerk of the Board shall certify the adoption of this Resolution.

Section 4.

This Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED by the Board of Commissioners of the
Community Development Commission on this _____ day of _____, 2010.

Attest:

SACHI A. HAMAI
Executive Officer-Clerk of the Board

By: _____
Deputy

By: _____
Chair, Board of Commissioners

APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN
County Counsel

By: _____
Deputy